

Notice of Allowability

Application No.

10/022,083

Examiner

Sudhanshu C. Pathak

Applicant(s)

ELLIOTT ET AL.

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 11th, 2006.
2. ☒ The allowed claim(s) is/are 1, 3-5, 7-12, 14-17, 34-36 & 39 and re-numbered as claims 1-18 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 1, 3-5, 7-12, 14-17, 34-36 & 39 are pending in the application.
2. Claims 2, 6, 13, 18-33, 37-38 & 40-41 have been canceled.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher Carroll (Reg. No. 55,776) on January 4th, 2006.

In order to avoid a 101 rejection, the claim has been amended as follows:

- In Claim 14, lines 1-2, **replace** "...a plurality of sequences of instructions..."

with

"...a plurality of computer executable instructions..."
- In Claim 14, line 3, **replace** "...executed by a processor, cause said processor..."

with

"...executed by a computer, cause said computer..."

Allowable Subject Matter

4. Claims 1, 3-5, 7-12, 14-17, 34-36 & 39 are allowed.

5. Claims 1, 3-5, 7-12, 14-17, 34-36 & 39 and re-numbered as claims 1-18

respectively are allowable over the prior art of record because the cited reference do not contain the specified limitation of a method of performing neighbor discovery, the method comprising: generating a signal at a first node for alerting other nodes in the network of the presence of the first node, the signal comprising a spread signal; broadcasting the signal from the first node, the broadcasted signal having a low probability of detection by an unintended receiver, receiving the signal at a second node; filtering the received signal at the second node using a filter matched to a spreading sequence or code used to spread the signal; calculating an energy associated with the filtered signal; establishing a threshold; determining whether the energy is greater than the threshold; identifying, by the second node, the first node as a neighbor node when the energy is greater than the threshold; transmitting a message from the second node to the first node, the message comprising information identifying the second node; repeating the broadcasting of the signal from the first node; adjusting a power level associated with broadcasting the signal based on whether the message from the second node has been received by the first node; and changing, by the first node, the spreading sequence or code used to spread the signal after a number of broadcasts.

Conclusion

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhanshu C. Pathak whose telephone number is (571)-272-3038. The examiner can normally be reached on M-F: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571)-272-3042.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sudhanshu C. Pathak
Examiner
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CHIEH M. FAN
SUPERVISORY PATENT EXAMINER